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GROUP 3624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sam E. KINNEY, Jr. et al.)
Application No.: 09/282,156)
Filed: March 31, 1999)
For: METHOD AND SYSTEM FOR)
CONDUCTING ELECTRONIC)
AUCTIONS WITH NET PRESENT)
VALUE BIDDING)

Examiner: Kyle, Charles R.

Group No.: 3624

34/6
12/31/03

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is respectfully submitted in response to the Notice of Non-Compliant Amendment mailed on November 20, 2003.



3624

PATENT

Attorney Docket No.: 046700-5003

Application No.: 09/282,156

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MAIL STOP: Non-Fee Amendment
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a response to the Notice of Non-Compliant Amendment dated November 20, 2003.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Supplemental Information Disclosure Statement
- ☐ Form PTO-1449A, 8 references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Declaration

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Mail Stop: Non-Fee Amendment, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Kim R. Jessum

Signature

Kim R. Jessum

Date of Deposit

December 4, 2003

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Extension of time fee due with this request: \$_____.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus		0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))		minus		0	x \$84 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to withdraw \$ from Deposit Account 50-0310 for the §1.17(p) fee for extension of time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 4, 2003

By: Kim R. Jessum
Kim R. Jessum
Reg. No. 43,694

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